

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APOLLO JOHNSON,

Plaintiff,

v.

NATHAN MIKEL, et al.,

Defendants.

Case No. 1:21-cv-685

HONORABLE PAUL L. MALONEY

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ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Scott Holmes and Kyle Sperling filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on October 26, 2022, recommending that this Court grant the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 50) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 42) is GRANTED.

IT IS FURTHER ORDERED that for the same reasons the Court concludes that Plaintiff's claims are properly dismissed, the Court also concludes that any issue Plaintiff might raise on appeal would be frivolous. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Accordingly, the Court certifies that an appeal would not be taken in good faith.

A Judgment will be entered consistent with this Order.

Dated: December 2, 2022

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge